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RATNERPRESTIA  
P O BOX 980  
VALLEY FORGE, PA 19482-0980

EXAMINER
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MOLINARI, MICHAEL J

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 03/31/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/691,298

Applicant(s)

YOSHIDA ET AL.

Examiner

Michael J Molinari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 24-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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3. The abstract of the disclosure is objected to because the abstract of the disclosure should not contain legal phraseology. Correction is required. See MPEP § 608.01(b).

***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

5. Figures 1-7, 10, 11, 17, 18, 24, 27-30 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Election/Restrictions***

6. Applicant is reminded that they must specifically cancel claims 1-23 as being drawn to non-elected groups.
7. Claims 1-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Groups I-IV, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 31-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 31 recites the limitation "the data conversion device" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 31 recites the limitation "the auxiliary data file generation device" in line 3. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 31 recites the limitation "the data inverse conversion device" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 32 recites the limitation "the data conversion device" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 32 recites the limitation "the auxiliary data file generation device" in line 3. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 32 recites the limitation "the data inverse conversion device" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 33 recites the limitation "the data conversion method" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 33 recites the limitation "the auxiliary data file generation method" in line 3. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 33 recites the limitation "the data inverse conversion method" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

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19. Claim 34 recites the limitation "the data conversion method" in line 3. There is insufficient antecedent basis for this limitation in the claim.

20. Claim 34 recites the limitation "the auxiliary data file generation method" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

21. Claim 34 recites the limitation "the data inverse conversion method" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

23. Claims 24 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Smyers (U.S. Patent No. 5,948,136).

24. Referring to claim 24, Smyers discloses a reception method, wherein in the case where a data sink (see Figure 3, #50) conforming substantially with IEC 61883 (see column 3, lines 52-55) and a data source (see Figure 3, #30 or #40) conforming with IEC 61883 (see column 3, lines 52-55) are connected to an IEEE 1394 bus (see column 4, lines 14-16), and in the case where said data sink is a personal computer (see Figure 3, #50) having an IEEE 1394 interface (see Figure 3, #52) and device controlling means for controlling all or part of devices connected to said IEEE 1394 bus (see Figure 3, #52), upon receiving start-of-reception instructions (see

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column 4, lines 54-59), said data sink determines whether said data source outputs output data to said IEEE 1394 bus using broadcast transmission (see column 4, lines 54-67 and column 5, lines 1-7. Note that the receiving device determines whether the received packet is an asynchronous or isochronous packet), and in the case where said data source outputs said output data to said IEEE 1394 bus using broadcast transmission, said data sink receives said output data without establishing a point-to-point connection to said data source (see column 4, lines 54-67 and column 5, lines 1-7. Note that Smyers discuss transmitting data using isochronous data packets, which are broadcast packets. When the device communicates using isochronous packets it does not perform point-to-point communication, which is only performed using asynchronous communication in an IEEE 1394 serial bus).

25. Referring to claim 29, Smyers discloses that said data source is a digital VCR for use at home (see Figure 3, #30).

26. Claims 24, 25, and 27-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogino et al. (U.S. Patent No. 6,038,625).

27. Referring to claim 24, Ogino et al. disclose a reception method, wherein in the case where a data sink (see column 16, lines 18-20) conforming substantially with IEC 61883 (see column 18, lines 13-14) and a data source (see column 16, lines 18-20) conforming with IEC 61883 (see column 18, lines 13-14) are connected to an IEEE 1394 bus (see column 6, lines 22-28), and in the case where said data sink is a personal computer (see column 5, lines 29-64 and see column 6, lines 13-18) having an IEEE 1394 interface (see column 6, lines 13-28) and device controlling means for controlling all or part of devices connected to said IEEE 1394 bus (see column 6, lines 66-67 and column 7, lines 1-12), upon receiving start-of-reception instructions

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(StartBroadcast, see column 17, lines 62-67 and column 18, lines 1-12), said data sink determines whether said data source outputs output data to said IEEE 1394 bus using broadcast transmission, and in the case where said data source outputs said output data to said IEEE 1394 bus using broadcast transmission, said data sink receives said output data without establishing a point-to-point connection to said data source (see column 18, lines 6-9).

28. Referring to claim 25, Ogino et al. disclose that said data source has an output control register (see column 5, lines 29-64 and see column 10, lines 17-34), said output control register includes a flag indicating whether broadcast transmission is performed (see column 18, lines 16-21) and a channel number indicating which channel said output data is outputted to (see column 10, lines 17-34), and in the case where said data sink is said personal computer (see column 6, lines 13-18), said data sink determines by reading said flag (see column 18, lines 16-21) whether said data source outputs said output data to said IEEE 1394 bus using broadcast transmission (see column 18, lines 6-9), and in the case where said data source outputs said output data to said IEEE 1394 bus using broadcast transmission, said data sink receives said output data from the channel for which said channel number is described without changing said channel number (see column 13, lines 11-20 and column 14, lines 6-16).

29. Referring to claim 27, Ogino et al. disclose that in the case where said data source does not output said output data to the IEEE 1394 bus, in the case where said data sink is said personal computer, after said data sink establishes a point-to-point connection to said data source, said data source starts outputting said output data to said IEEE 1394 bus, and at the same time said data sink receives said output data (see column 17, lines 62-67 and column 18, lines 1-12).



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30. Referring to claim 28, Ogino et al. disclose that a second data sink (see column 16, lines 18-20) conforming to IEC 61883 is connected to said IEEE 1394 bus, and in the case where said data source outputs said output data to said IEEE 1394 bus under the condition that said data source is established with or establishes a point-to-point connection to said second data sink, and without using broadcast transmission, and in the case where said data sink is said personal computer, said data sink establishes a point-to-point connection to said data source, and receives said output data (see column 17, lines 62-67 and column 18, lines 1-12).

31. Referring to claim 29, Ogino et al. disclose that said data source is a digital VCR for use at home (see Figure 1C, #22).

32. Referring to claim 30, Ogino et al. disclose that said data source is a set top box outputting MPEG data (see column 7, lines 65-67 and column 8, lines 1-16, see Figure 1C, #12).

33. Referring to claims 31-34, Ogino et al. disclose that any of claims 24-26 can be performed by a medium that can be processed by a computer or by an information aggregate (see column 5, lines 29-64).

### ***Claim Rejections - 35 USC § 103***

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (U.S. Patent No. 6,038,625) in view of Liu et al. (U.S. Patent No. 6,167,471).

36. Referring to claim 26, Ogino et al. disclose that said data source has an output control register (see column 5, lines 29-64 and see column 10, lines 17-34), said output control register includes therein a flag indicating whether broadcast transmission is performed (see column 18, lines 16-21) and a channel number indicating to which channel the output data is outputted (see column 10, lines 17-34), and in the case where said data sink is said personal computer (see column 6, lines 13-18), said data sink determines by reading said flag whether said data source outputs said output data to said IEEE 1394 bus using broadcast transmission, and said data sink changes said channel number to a value N, followed by receiving said output data from a channel whose number is said N (see column 13, lines 11-20 and column 14, lines 6-16). Ogino et al. differ from claim 26 in that they fail to teach that the integer N is a value between 0 and 63. However, it is well known in the art that in IEEE 1394 systems that there are only 64 channels available. For example, Liu et al. teach that there are 64 channels available in an IEEE 1394 system (see column 1, lines 23-32). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention that N should be a number between 0 and 63.

### ***Conclusion***

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

38. U.S. Patent No. 6,463,151 to Iitsuka et al. teaches the use of a Common Isochronous Header (CIP) for transporting data in a network using both IEEE 1394 and IEC 61883.

39. U.S. Patent No. 6,247,069 to Smyers teaches the use of channel numbers and registers and of the AV/C command set for sending IEC 61883 data over an IEEE 1394 serial bus.

40. U.S. Patent No. 5,948,136 to Smyers teaches the use of a personal computer, a VCR, and a TV in a home AV network using IEEE 1394 and IEC 61883.
41. U.S. Patent No. 6,501,441 to Ludtke et al. teaches a method of beginning transmission in an IEEE 1394 serial bus system.
42. U.S. Patent No. 6,452,935 to Gibbs teaches an HAVI architecture for a home-based network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Thursday 8am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mjm*

Michael Joseph Molinari

*Alpus H. Hsu*

ALPUS H. HSU  
PRIMARY EXAMINER